

Qualisys is a provider of medical surveillance services, including substance abuse testing, to a number of companies nationwide. Among our clients are several large temporary and permanent contract staffing services catering to the aviation industry. Qualisys is therefore concerned about the complexity of the proposal as it relates to contract personnel. This complexity is reflected in a number of the comments submitted to the public docket.

Since Qualisys is familiar with the regulations of other agencies that deal with this issue, we feel that the goals of the NPRM could be achieved by the use of language that already is in use by another DOT agency, the Research and Special Programs Administration (RSPA). In its drug and alcohol testing regulation (49 CFR 199), Section 21 states:

Sec. 199.21 Contractor employees.

With respect to those employees who are contractors or employed by a contractor, an operator may provide by contract that the drug testing, education, and training required by this part be carried out by the contractor provided:

- (a) The operator remains responsible for ensuring that the requirements of this part are complied with; and
- (b) The contractor allows access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of this part.

It would appear to Qualisys that this language states essentially the same requirements in far simpler and easier to understand terms, and we therefore recommend that this language be adopted. To promulgate the language in the current NPRM would almost certainly cause significant confusion and misunderstanding among the many suppliers to the aviation industry.